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DRAFT

10 February 1961

UNITED STATES INTELLIGENCE BOARD

SECURITY COMMITTEE

MEMORANDUM FOR: Members of the United States Intelligence Board

SUBJECT : Revision of DCID 11/2, "Control of Dissemination and Use of Intelligence and Intelligence Information"

1. The attached proposed revision of DCID 11/2 has been the subject of detailed inquiry and discussion by the Security Committee. The revision was predicated on providing a standardized system of control markings and procedures to be employed uniformly by all departments and agencies in the intelligence community.

2. DCID 11/2, adopted in 1954, is not utilized in the intelligence community by the respective departments and agencies, except by reference, as a means of controlling CIA originated documents. Actually the CIA is the only agency that utilizes the markings in the present DCID 11/2. Further, there were certain markings that had little use within the intelligence community, and the procedures and requirements attendant to these markings are no longer fully applicable. The Security Committee sought to reduce the markings to the minimum

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number to serve the interests of the intelligence community. In addition, the DCID of 1954 did not adequately draw the distinction between the control of a document and the use of the information therein. The Security Committee has endeavored with each marking to clearly establish this distinction from the viewpoint of ready use of intelligence information contained in documents, and has proposed certain permissive features whereby the departments and agencies of the intelligence community give advance consent to the use of information. This should largely reduce the hundreds of oral and written inquiries from users of intelligence to originators seeking permission to use information.

3. In proposing these permissive features the Security Committee considered present day attainments and anticipated developments in the field of rapid reporting systems within the intelligence community and the extensive adoption in the future of automatic data storage and retrieval systems for intelligence information. The latter systems will be effective only if the intelligence information can be readily utilized by all components of the intelligence community. In addition, the advent of extensive automatic data systems of excerpts, summaries, and briefs will tend to eliminate the intelligence document as the medium of recording and transmitting intelligence information.

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4. In consideration of these factors the Security Committee took cognizance of the yearly increase in the number of intelligence reports produced by the intelligence community. The mass of information requires a system which will permit ready access to and use of this information. At the same time security control of the information for the protection of sources and methods is a vital necessity; however, only a limited amount requires special controls to prevent its unauthorized disclosure.

5. The proposed revision of DCID 11/2 is directed to providing adequate controls through appropriate marking of documents, but at the same time permitting ready use of most of the intelligence information circulating through the intelligence community.

Preamble: This prefatory statement sets forth the authority and purpose for establishing procedures to control uniformly the dissemination and use of intelligence and intelligence information.

Paragraph 1: The basic principle of the "third agency rule" is stated wherein classified information shall not be disseminated outside the receiving agency without the consent of the originator. Consent by agreement

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is then given whereby the intelligence components of the USIB member departments and agencies may reproduce documents, unless otherwise excepted, and disclose the information within limitations to the other intelligence components.

This is a departure from previous restrictions which is felt to be warranted as a means of permitting a readier exchange of information within the intelligence community for that material given normal distribution. The Security Committee proposed this departure in anticipation of future developments in the reporting systems of the intelligence community.

Paragraph 2:

This language is intended to require the uniform adoption of the proposed DCID by all departments and agencies of the intelligence community. The present DCID 11/2 issued in 1954 has not been adopted by any department or agency outside of CIA, except by reference as a means of controlling CIA documents. The adoption of a uniform system of marking should tend to solve certain present and

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future problems in the field of dissemination and control of intelligence.

Paragraph 3:

This paragraph gives a general statement of policy that controls are to be attained by the use of control markings placed on a document and that such markings are to be honored by complying with the requirements of the DCID and, furthermore, that oral and visual disclosures are within the meaning and intent of this policy statement.

Paragraph 4. a. (1)

This paragraph sets forth the use of intelligence information and the technique by which the information may be used. The departments and agencies by giving advance consent for the use of intelligence information not bearing control markings in a finished intelligence document permits the ready use of such information including dissemination to third agencies and release to foreign governments without checking back with the originator. This permissive feature should speed up the intelligence use process and will eliminate hundreds of oral and written requests to originators for the use of information.

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Paragraph 4.a.(2)

This paragraph sets forth the technique by which intelligence information may be used in ^{the finished} finished intelligence, thereby providing uniform and adequate protection of sources and methods.

This technique is the basis for permissive use of intelligence as will appear under certain of the markings in the remainder of this document.

Paragraph 4.a.(3)

This paragraph permits special arrangements to be made by the interested agencies in dealing with particular documents or information.

Paragraph 4.b.

This paragraph provides that control markings must carry over when intelligence information is quoted, extracted or ^{abstracted} summarized.

Paragraph 5:

This paragraph sets forth the control markings to be used and divides these markings into two groups. First, for dissemination within the U.S. Government and secondly, for release to foreign governments. A basic point of some confusion under the present DCID was the intent in some instances to control the document, in other instances the information in the document, and in

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still other instances, both. To clarify this distinction, the control markings in the present DCID have each been separated into statements of control as applied to the document and to separate statements of control as applied to the use of the information.

Paragraph 5.a.(1) **WARNING NOTICE - SENSITIVE SOURCES AND METHODS INVOLVED**

This marking was introduced in the "Agreed Guidance for the Implementation of the Presidential Directive on Disclosures of Classified Intelligence" as approved by the U. S. Intelligence Board on 21 June 1960 (USIB-C-13.5/49). This marking is designed to control a limited category of sensitive intelligence wherein information or sources and methods vital to the national security are involved. The intent of this marking is to alert any department or agency to exercise special care and control in the dissemination of any document bearing this stamp. Its purpose is to identify that category of intelligence, the unauthorized disclosure of which

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has been or would be most damaging to the national security and the intelligence effort.

Paragraph 5.a.(2)

CONTROLLED DISSEM

This marking is provided for the protection of the source of information by limiting dissemination of the document. It is similar to the use of the present marking "Limited;" however, the military services object to the marking "Limited" because it contains restrictions which are not enforceable within their organizational personnel practices, and it conflicts with their long-time use of "Limited" for the internal control of material within the service departments. In addition, the marking "CONTROLLED DISSEM" has been provided to assist in marking those intelligence materials prohibited for release to contractors by the CODIB policy agreement (USIB-D-39.5/2). This is deemed necessary because categories of information prohibited to contractors are defined in substantive terms, such as "counterintelligence materials, materials revealing sensitive or covert collection operations," etc. It has been found that contract monitors

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experience ~~some~~ difficulty in determining what information may or may not be released to contractors when defined only in substantive terms. The use of this proposed marking will tend to fill a gap by eliminating doubt where the marking is used.

Paragraph 5.a.(3)

NO DISSEM ABROAD

This marking is essentially the same as the present DCID 11/2 marking with the exception of the phrase "except as determined by the originator in order to satisfy special conditions." This exception was incorporated at the request of the Director for Intelligence, Joint Staff in order to meet a need for dissemination to Commanders of unified and specified commands.

Paragraph 5.a.(4)

BACKGROUND USE ONLY

While this marking is fundamentally the same as the present marking, it was considered helpful to specify that the marking was intended to control the use of the information as distinguished from the dissemination of the document.

Paragraph 5.b.

This paragraph represents a considerable change in the use of intelligence information and subsequent

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release to foreign governments. It should be noted that, in accordance with the President's policy, no department or agency may release intelligence to a foreign government until certain basic requirements have been met, including the approval of the originator. All intelligence documents and information fall under this requirement. Within the intelligence community hundreds of oral and written queries result from this requirement from the users of intelligence to the originators requesting permission for release to foreign governments. In most cases approval is granted provided the information is utilized in ^{classified} [finished] intelligence form. The Security Committee sought a new approach in order to (a) permit the use of intelligence and release to foreign governments without the necessity of consulting the originator in every instance, and (b) provide a marking which prohibits release to foreign governments in any form. The first premise is permissive

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in nature in giving advance consent for the use of intelligence, whereas the second premise is restrictive for positive source protection. In every case the release of a document, as such, must have the specific approval of the originator. For those documents not bearing control markings the departments and agencies give advance permission that the information may be used in classified finished intelligence and released to foreign governments in accordance with the technique of processing into finished intelligence. Those documents bearing control markings specify in each case the manner in which the information may or may not be used.

It will be noted that the marking "NOFORN" has been eliminated, and the marking "FOREIGN CONTROL" is proposed. The use of this marking is on the predetermination by the originating agency that the information must not be released in any form to foreign governments. An additional factor in eliminating the

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present marking "NOFORN" was the use to which the Department of Defense applies this marking; namely, that it is to alert U. S. officials that the information in a particular document is not to be disclosed to foreign nationals without the express approval of the Director for Intelligence of the command concerned.

Paragraph 6:

It is recognized that there are a number of peculiar and unique dissemination problems which may require special consideration between the originator and the recipient. The premise from which the Security Committee approached the draft DCID 11/2 was that this directive should recognize a common denominator of agreed principles and that no attempt should be made to inject exceptions into these positive principles. ~~However,~~ the practical necessity for permitting exceptions ^{also} was recognized, ~~and~~ ^{and} this paragraph provides flexibility to take care of those peculiar situations whereby it is desirable to grant an exception. ~~However,~~ ^{exception} the Committee felt that ~~this~~ should be a matter of decision by the originator on the basis of

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appropriate justification by the recipient.

Paragraph 7:

The reference to atomic energy intelligence and COMINT information was included to avoid any possible inference that such information, which is currently protected and controlled by statute, would be superseded by this directive. The remainder of this paragraph recognizes the existence of special indicators for the established distribution of material as well as other control measures to protect patent rights and other legal considerations. It is ^{not} intended that these measures ~~are not~~ ^{be} abrogated by any provisions of this directive, and ~~may~~ continue to be ~~utilized~~.

Paragraph 8:

Publication of the new directive will require a period of adjustment until the departments and agencies can incorporate the proposed markings and procedures within regulatory systems and revise their current systems accordingly.

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Therefore, a reasonable period will be allowed before the directive becomes effective. It will be the responsibility of a recipient agency to refer to the originator any questions as to the application of control markings.


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DCID NO. _____
(New Series)

DRAFT NO. 11
10 February 1961

DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE NO. _____¹

SUBJECT: Controls for Dissemination and Use of Intelligence and
Intelligence Information

Pursuant to the provisions of NSCID No. 1 (New Series, 15 September 1958), paragraph 2 (a) (5), and paragraph 5, and for the purpose of protecting intelligence, intelligence information, and intelligence sources and methods from unauthorized disclosure, the following procedures are established to control uniformly the dissemination and use of intelligence and intelligence information.

1. The basic control for the safeguarding of classified information is established by Executive Order 10501. Section 7 (c) of Executive Order 10501 stipulates that classified defense information originating in a department or agency will not be disseminated outside another receiving agency without permission of the originating agency, except as provided in Section 102 of the National Security Act of 1947, as amended. In order, however, for the intelligence components of the USIB member departments and agencies to discharge their responsibilities more effectively, each such component, through authorized processing facilities may reproduce documents, unless otherwise excepted, containing intelligence and intelligence information originally issued by another. The information from documents so reproduced may be disclosed to the intelligence components of other USIB agencies unless the original dissemination was specifically

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This Directive supersedes DCID No. 11/2 of 11/15/54.

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limited. The control markings and procedures set forth below shall be utilized by an originating agency to restrict the internal dissemination and use of intelligence and intelligence information by a receiving agency, or to permit the dissemination of such information outside of the receiving agency. Such restrictive or permissive action is to be consonant with the protection of intelligence, intelligence information and of the intelligence sources and methods involved.

2. The standardized control markings and procedures set forth in this Directive are to be employed uniformly by all departments and agencies in the intelligence community thereby assuring like control and restrictions on the use of intelligence and intelligence information disseminated within the departments and agencies represented on the United States Intelligence Board. The substance of this Directive shall be published in the appropriate regulatory or notice media of each agency or department.

3. Whenever an originating department or agency deems it necessary to provide special controls for intelligence or intelligence information, either by virtue of the substance of the information itself or to provide additional protection of intelligence sources and methods, the appropriate control marking or markings shall be placed upon the document. Any document disseminated or used within or outside the intelligence community and bearing any of the control markings set forth in this Directive shall be controlled carefully by all recipients in strict conformity with the requirements and restrictions of this Directive. Oral and visual disclosures of information are to be in conformity with the intent and requirements of this Directive.

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use of
4. Intelligence Information ¹

~~a. Use in Finished Intelligence~~

intelligence (1) In order to facilitate the maximum use of intelligence information, the intelligence components of the USIB give advance consent that classified intelligence information not bearing any control markings may be used in a classified finished intelligence document ~~and disseminated as the producer of the finished intelligence deems appropriate and necessary, which may include release to foreign governments.~~

original will be (2) The information, ~~however,~~ must be paraphrased and used in the text in a manner which effectively conceals the originating agency, the source, the place and date acquired and the manner of acquisition; in addition, if disclosed to a foreign government, no reference shall be made to documents ^{used by the producer} upon which the finished intelligence is based.

✓ (3) Exceptions to paragraph 4. a. (2) above may be arranged between interested agencies.

b. Other Uses

at
3 Intelligence information when quoted, extracted or summarized, unless otherwise excepted, may be used in digests, summaries, other documents and machine data storage

data
1 Recipients of documents containing counterintelligence information and not bearing control markings set forth in this Directive shall not disseminate or release such documents to other agencies or foreign governments nor include such information in finished intelligence without the consent of the originating agency.

systems provided control markings of the information, if any, and identification of source documents are reproduced with the information. Intelligence information so used shall not be released to foreign governments without the permission of the agency originating the information.

5. In accordance with paragraph 3. above, the following markings shall be used for the control of intelligence and intelligence information with-
that released
in the U. S. Government and to foreign nationals.

a. DISSEMINATION WITHIN THE U. S. GOVERNMENT

(1) WARNING NOTICE - SENSITIVE SOURCES AND METHODS INVOLVED

This marking shall be employed in the absence of any other suitable marking to inform all recipients that the information is sensitive and requires special controls and a severely limited distribution. For the purpose of this marking, such intelligence is identified as that classified intelligence, the unauthorized disclosure of which could lead to counteraction (a) jeopardizing the continued productivity of intelligence sources or methods which provide intelligence vital to the national security or (b) offsetting the value of intelligence vital to the national security.

Document: The dissemination of the document shall be severely limited to those who have a clear need-to-know.

Use : The control marking must carry over onto any other document or publication in which the information

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is incorporated. All recipients, whether the information is furnished to them orally, visually or in writing, must be advised of the sensitivity of the information and the damaging effect to the national security if disclosed without authorization. The information shall not be disseminated outside of authorized channels or released publicly in any manner without the permission of the originating agency and an assessment by the appropriate Intelligence Chief as to the risks to the national security and to the intelligence sources and methods involved.

(2) CONTROLLED DISSEM

This marking shall be utilized where source protection, including the proprietary interests of commercial sources, would warrant limiting the dissemination of the document. This marking may also be applied for dissemination control purposes to assist in identifying that intelligence material which by category or classification is by USIB approved policy and other directives prohibited from dissemination to contractors.

Document: The dissemination of the document shall be limited to civilian employees

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and active duty military personnel within the intelligence components of the USIB member agencies, and to those senior officials of the member agencies who must act upon the information. IT SHALL NOT BE DISSEMINATED TO CONTRACTORS. It shall not be disseminated to organizations or personnel, including consultants, under a contractual relationship to the U. S. Government without the ~~written~~ permission of the originator.

Use : The information may be used in classified finished intelligence without carrying over the control marking provided the requirements of paragraph 4. a. ~~(A)~~ above are followed.

(3) NO DISSEM ABROAD

This marking shall be employed to preclude the dissemination of a document outside the States of the United States except as determined by the originator in order to satisfy special conditions.

Document: The document shall not be disseminated outside the States of the United States.

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Use : The information may be used in
classified finished intelligence
without carrying over the control
marking provided the requirements
of paragraph 4. a. (2) above are
followed.

(4) BACKGROUND USE ONLY

This marking shall be employed to preclude the
inclusion of the information in any other document
or publication. This marking is intended solely
to control the use of the information.

Document: This marking does not affect the dis-
semination of the document.

Use : The information is not to be included
in any other document or publication.

b. RELEASE TO FOREIGN GOVERNMENTS¹

The policy and procedures for the release of classified de-
fense information to foreign governments are established
by the Presidential Directive of 23 September 1958,
"Basic Policy Governing the Release of Classified Defense
Information to Foreign Governments," as revised 23 April
1960.

(1) Classified Intelligence Documents Not Bearing
Control Markings

Document: Classified intelligence documents
even though they bear no control

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For the purposes of this Directive, no release of a classified intelligence
document, whether or not bearing a control marking, shall be made to U.S.
employed, utilized or integrated foreign nationals without the permission
of the originating agency.

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markings shall not be released to foreign governments without the prior permission of the originating agency.

Use : Information contained in classified intelligence documents not bearing any control markings may be ~~used~~ in ~~classified~~ ^{finished} intelligence ~~and~~ released to foreign governments in accordance with paragraph 4. a. ⁽¹⁾ of this directive.

(2) When the originating agency predetermines that intelligence information must not be released in any form to foreign governments, the following marking shall be employed:

FOREIGN CONTROL

Document: The document must not be released to foreign governments.

Use : The information must not be released in any form to foreign governments. The control marking must carry over on all documents and publications in which the information is incorporated.

6. Any recipient agency or department desiring to use, quote, extract, summarize, disseminate or release a document marked with a control in a manner contrary to the limitation of that control marking, must obtain the permission of the originating agency. Permission from the originating

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agency to utilize, in whole or part, any intelligence or intelligence information in a manner other than specified by the control markings applies only to the specific purpose of the requestor and does not automatically apply to all recipients of the information as originally disseminated, unless the originating agency removes the control markings for the benefit of all recipients.

7. Nothing in this Directive shall supersede or augment the requirements on the control, use and dissemination of Restricted Data, Formerly Restricted Data, or COMINT, including information related to COMINT and COMINT activities, made by or under existing statutes and Presidential Policy. Further, the markings of this Directive do not supersede special indicators or project designators utilized by the various departments and agencies for established distribution of material. In addition, these markings and procedures do not affect other control measures or markings such as "FOR OFFICIAL USE ONLY," established by the various departments and agencies for information subject to laws concerning copyright, libel, slander, and communications, nor other information which for moral, ethical or legal reasons must be protected by other control measures.

8. The publication of this Directive shall not abrogate the control markings applied to documents prior to _____ under authority of DCID No. 11/2 (approved 11/15/54). These markings are: NOT RELEASABLE TO FOREIGN NATIONALS, NO DISSEM ABROAD, NSC PARTICIPATING AGENCIES ONLY, INTELL COMPONENTS ONLY, LIMITED, CONTINUED CONTROL, BACKGROUND USE ONLY, and FOR OFFICIAL USE ONLY. Any question concerning these markings shall, in conformance with paragraph 6. be referred to the originating agency. The provisions of this Directive shall become effective _____ days after its publication.